

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

REDDIE HOUSTON,
(TDCJ-CID #0145539),
Plaintiff,
VS.

MAJOR TRACY BAILEY, *et al.*,
Defendants.

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CIVIL ACTION NO. H-14-2595

MEMORANDUM ON DISMISSAL

Reddie Houston is an inmate of the Texas Department of Criminal Justice - Correctional Institutions Division. Houston failed to file an application to proceed *in forma pauperis* with the necessary certified inmate account information or pay the \$350.00 filing fee as instructed by this court's Notice of Deficient Pleading entered October 1, 2014. (Docket Entry No. 6).

In an order entered on November 19, 2014, this court directed Houston to pay a fee of \$350.00 or submit an application to proceed *in forma pauperis* by December 19, 2014. (Docket Entry No. 10). Houston was instructed to attach a certified copy of his inmate trust fund account history containing the deposits and monthly balances for the six-month period preceding the filing of this lawsuit. This court admonished Houston that failure to comply as directed within the time specified may result in dismissal of this action for want of prosecution.

Houston has not responded to this court's order entered on November 19, 2014. Houston's failure to comply with this court's order forces this court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2010). Upon a proper

showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on 5/29/17, 2015.


VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE